

Notice of Allowability

Application No.

09/891,774

Examiner

Pam Rodriguez

Applicant(s)

BLACK ET AL.

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 03/23/07.
2. ☒ The allowed claim(s) is/are 45-64.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material


5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____


PAM RODRIGUEZ
PRIMARY EXAMINER
4/17/07

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

While Dworakowski discloses an articulated railway car (see Figure 1) capable of transporting automobiles in commercial rail service having most all the features of the instant invention including: the car comprising at least two units 19-21, each unit comprising a floor, a roof, a pair of upstanding side walls (see Figure 1 and walls forming side panels 18), a pair of end doors (inherently present), and at least one upper deck 21 spaced above the floor of the car so that automobiles may be supported on at least two levels, each of the upstanding side walls comprising a plurality of vertical posts 16 supporting the upper deck 21 and roof (see Figure 1), a plurality of side walls panels 18 connected to vertical posts 16, each of the side wall panels 18 extending substantially the entire height of the side wall (see Figure 1), and some of the side wall panels 18 having a plurality of separate groups of perforations for ventilation and lighting formed therein (see column 3 lines 53-57), with other portions of the side wall panels 18 being imperforate to reduce admission of airborne particles (inherently at least some portions of the panels would not be perforated as alluded to in column 3 lines 53-57, which states that "many", i.e., not all, portions of the side panels have perforations therein), and wherein groups of perforations would be spaced inward from the edges of each panel and being spaced vertically from one another in each panel (again as alluded to from column 3 lines 53-57, where since the majority of the panel is perforated, at least some perforations would be located inwards from edges of the panel and spaced vertically from one another in some planar relationship) and Bealer

discloses a multi-level railway car (see Figures 1 and 2) having groups of perforations include a horizontal series of groups along the bottom of at least one level, neither of the references taken either alone or in combination disclose side wall panels which function as shear plates to tie the vertical posts together and to bear substantial loads in the plane of the side wall nor perforations along the bottom of one level of the railway car to provide lighting and ventilation for workers adjusting wheel chocks at the floor of the level.

It is for these reasons, the reasons set forth in the Interview Summary dated March 12, 2007, and as evidenced by the allowed claims of the parent application U.S. Patent No. 6,289,822 that applicant's invention defines over the prior art of record.

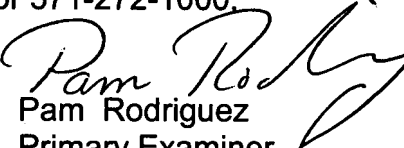
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 571-272-7122. The examiner can normally be reached on Mondays 5:30 AM -4 PM and Tuesdays 5 AM -11 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Pam Rodriguez
Primary Examiner
Art Unit 3683
4/17/07

PR
04/17/07